

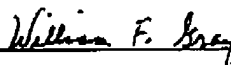
Traversal

The present invention relates to salts of O-acetylsalicylic acid and a basic amino acid, which have a defined particle size and particle size distribution, and which additionally comprise a "flow improver" (such as finely divided silica, microcrystalline silica, or saccharides) or are in granulated form. Such materials exhibit enhanced stability relative to prior art compositions.

The examiner states that claim 5 is generic to several recited basic amino acids, which she characterizes as patentably distinct species, and requires an election of a single species from that list of amino acids.

An election of species requirement is supposed to relate to distinct species of the invention. The basic amino acids recited in claim 5 are not species of the invention, but are in fact preferred species of the basic amino acid which is recited as an element of broad composition claim 1. The examiner states as justification for the election of species requirement, that "...each product has an unrelated chemical structure and function." This is not true. All the listed basic amino acids are structurally related because they are all basic amino acids, and they are functionally related because in this invention, they are all employed to provide enhanced stability to the O-acetylsalicylic acid. Accordingly, the materials listed in claim 5 should not be the subject of an election of species requirement.

Respectfully submitted,



Reg. No. 31018
Phone: (203) 812-2712
Date: 7 March 2008

William F. Gray
Bayer HealthCare LLC
400 Morgan Lane
West Haven, CT 06516-4175